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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

Chapter 11

**USACM Trust's Motion to Clarify the
Record Regarding Certain Duplicate
Claims**

Date of Hearing: January 19, 2012

Time of Hearing: 10:00 a.m.

Estimated Time for Hearing: 10 minutes

The USACM Liquidating Trust (the "USACM Trust") moves to clarify the record regarding certain Direct Lender claims. Sierra Consulting Group Inc. ("Sierra") recently informed the USACM Trust of several instances where the Court at first entered an order allowing a claim and then later entered an order that disallowed the same claim. Thus, in these instances, there are arguably conflicting orders regarding the same proofs of claim. Ultimately, these proofs of claim disallowed by the Court as duplicate claims and the orders disallowing the claims should supersede any contradictory orders. This motion seeks to clarify the record and establish that the claims in question are indeed disallowed. This Court may correct this error pursuant to Bankruptcy Rules 3008 and 9024. Sierra has reviewed identified the claims for which clarification is needed. **Exhibit A**, attached, lists the proofs of claim at issue and the conflicting orders relating to them.

1 The USACM Trust asks that the Court correct the record by amending the orders
2 listed below such that they are deemed to be of no force and effect as to the claims listed
3 below them:

4 Order Granting USACM Trust's Motion to Allow Proofs of Claim Based Upon
5 Investment in the Amesbury Hatters Point Loan [DE 9492]:

- 6 ■ Claim No. 10725-00588 Humphry 1999 Trust
- 7 ■ Claim No. 10725-00866 Stephen Family Trust DTD 3/22/84
- 8 ■ Claim No. 10725-01111, Ernest W. Libman IRA
- 9 ■ Claim No. 10725-00517 Wallace III, William C. & Ann Marie K.
- 10 ■ Claim No. 10725-06140 Winkler IRA, Radolf

11 Order Sustaining First Omnibus Objection of USACM Trust to Proofs of Claim Based
12 Upon Investment in The Cabernet Highlands Loan [DE 9488]:

- 13 ■ 10725-00159 Chiappeta Trust Dated 4/1/03
- 14 ■ 10725-00346 John & Janet Marasz Trust Dtd 12/2/04
- 15 ■ 10725-00099 Murphy Family Trust

16 Order Sustaining Third Omnibus Objection of USACM Trust to Proofs of Claim Based In
17 Part Upon Investment in The Cabernet Highlands Loan [DE 9490]:

- 18 ■ 10725-00315 Barroso, Pedro
- 19 ■ 10725-00316 Barroso, Pedro
- 20 ■ 10725-01716-2 Donna M. Cangelosi Family Trust
- 21 ■ 10725-00893 Joyce E. Smith Trust Dated 11/3/99

22 Order Sustaining Fourth Omnibus Objection of USACM Trust to Proofs of Claim Based
23 In Part Upon Investment in The Cabernet Highlands Loan [DE 9491]:

- 24 ■ 10725-00317 Pedro L. & Carol A. Barroso Trust Dtd 11/29/90
- 25 ■ 10725-00318 Pedro L. & Carol A. Barroso Trust Dtd 11/29/90
- 26 ■ 10725-00319 Pedro L. & Carol A. Barroso Trust Dtd 11/29/90

Order Sustaining First Omnibus Objection of USACM Trust to Proofs of Claim Based
Entirely Upon Investment in the Cornman Toltec Loan [DE 9446]:

- 10725-00091 Paul L. & Marie Linney Trust Dated 10-25-96

Order Sustaining Fourth Omnibus Objection of USACM Trust to Proofs of Claim Based Entirely Upon Investment In the Fiesta Oak Valley Loan; Except for Proof of Claim of Stoebling Family Trust and Notice of Status Conference in Stoebling Family Trust [DE 9543]:

- 10725-00994 Sterling, Tom

Order Sustaining Sixth Omnibus Objection of USACM Trust to Proofs of Claim Based In Part Upon Investment in The Fiesta Oak Valley Loan [DE 9472]:

- 10725-00976 Leonard & Barbara Baker Revocable Trust

Order Sustaining Ninth Omnibus Objection of USACM Trust to Proofs of Claim Based In Part Upon Investment in The Fiesta Oak Valley Loan [DE 9475]:

- 10725- 01582, Teeter, Norman

Order Sustaining Second Omnibus Objection of USACM Trust to Proofs of Claim Based In Part Upon Investment in The Hesperia II Loan [DE 9485]:

- 10725-00893 Joyce E. Smith Trust Dated 11/3/99

Order Sustaining First Omnibus Objection of USACM Trust to Proofs of Claim Based Entirely Upon Investment in The HFA Loan [DE 9482]:

- 10725-00955 Handal, John A.
- 10725-01465 Handal John A.M.

Order Sustaining First Omnibus Objection of USACM Trust to Proofs of Claim Based In Part Upon Investment in The HFAH Clear Lake LLC Loan [DE 9502]:

- 10725-01532 Fine, Lewis H & Arlene J
- 10725-01235 Casey III, Richard F IRA

Order Sustaining Fifth Omnibus Objection of USACM Trust to Proofs of Claim Based In Part Upon Investment in The HFAH Clear Lake LLC Loan [DE 9506]:

- 10725-00231 Donald P. Clark Family Trust Dtd 10/25/94

Order Sustaining Third Omnibus Objection of USACM Trust to Proofs of Claim Based In Part Upon Investment in The Lerin Hills Loan [DE 9494]:

- 10725-00893 Joyce E. Smith Trust dated 11/3/99

Order Granting Motion of USACM Trust to Approve Proofs of Claim Based Upon Investment in The Placer II Loan [DE 8975]:

- 10725-00996 Tom, Sterling
- 10725-00844 Premiere Holdings Inc. Defined Benefit

Respectfully submitted December 21, 2011.

LEWIS AND ROCA LLP

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